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TRIAL

## Aaron Burr

TUESDAY, August 18.

Examination of Commodore Truxton.

Mr. Hay. Were you present when the court delivered their opinion relative to the order in which the evidence is to be introduced? A. I was. I know nothing of the overt act. Q. Does your testimony relate to the taking of New-Orleans? A. I know nothing about the taking of New-Orleans. My conversations altogether related to the Spanish territories; to the settlement of lands; to digging a canal on the Ohio, and building of boats.

Mr. Hay then observed, that he had no questions then at present for Commodore Truxton. Mr. Wickham. Then, sir, I hope I may be permitted to ask Com. T. 1st. whether he had not many and minute conversations with Col. B. and 2ndly, whether those conversations related to treason. Mr. Hay objected to Mr. Wickham's putting those questions and said if the gentleman expected by a contrivance of this sort to exclude the witness, he would ask him a few questions. Mr. Wickham insisted on his right to examine the witness as the Council for the U. States had relinquished him. Mr. Wirt. The court knows that there are two indictments against the accused. The witnesses have been summoned promiscuously; and it is not possible for the prosecutor to know the particular point to which every witness is to testify. From what Commodore Truxton has said it appears that his evidence related to the misdemeanor. But if he be suffered to come in on the present case, ought not his examination to be free and complete? Mr. Hay. Upon recollecting the substance of Commodore Truxton's testimony, I cannot but believe that it applies directly to the present occasion. It bears most strongly upon Gen. Eaton's testimony. From Eaton's evidence, the treasonable project and the misdemeanor were intimately connected. Of course what goes to establish the one of these projects, will so far contribute to prove the other.—Had you not several conversations with the accused, upon the subject of the Mexican Expedition?

Commodore Truxton. About the beginning of the winter of 1865, Col. B. returned from the Western country, and came to Philadelphia. He frequently in conversation mentioned to me certain speculations in Western lands. These conversations were uninteresting to me; and I did not pay much attention to them. Col. B. observed, that he wished to get the navy of the U. S. out of my head, as he had something in view, both honorable and profitable which he wished to disclose to me. I considered this as nothing more than a desire to get me interested in land speculations. These conversations were frequently repeated; and sometime in the month of July, 1865, he stated that he wished to see me unwedded from the navy of the U. S. and to think no more of those men at Washington; that he wished to see or to make me (I do not recollect which) an Admiral, as he contemplated an expedition into Mexico, in the event of a war with Spain, which he thought inevitable. He asked me if the Havana could not be easily taken in the event of a war. I told him that it would require the co-operation of a naval force. Mr. Burr observed, that might be obtained. He pursued the enquiry as to Cartagena and La Vera Cruz; what personal knowledge I had of those places, and what would be the best mode of attacking them by sea and land. I gave my opinion very freely. Mr. Burr then asked me, if I would take the command of a naval expedition. I asked him, if the executive of the U. S. was privy to or concerned in the project. He answered me emphatically, that they were not. I asked him that question, because the executive had been charged with a knowledge of Miranda's expedition. I told Mr. Burr, that I would have nothing to do with it; that Miranda's project had been intimated to me, and that I had declined any agency in those affairs. Mr. Burr observed that in the event of a war, he intended to establish an independent government in Mexico; that Wilkinson, the army, and many officers of the navy would join. I replied, that I could not see how any of the officers of the U. S. could join. He said that General Wilkinson had projected the expedition, and that he himself had matured it; that many greater men than Wilkinson, were concerned (or would join); and thousands to the westward.

Mr. Hay. Do you recollect, whether he said that Gen. W. had seriously joined in it? A. Yes, he said so; and many greater men.—Mr. Hay. I will ask you, sir, whether at that time, you were in the service of the U. S.? A. I was declared not to be. Mr. Hay. I wish not to wound your feelings, Commodore, by my questions; but it is necessary to account to the jury, for the application which was thus made to you by the accused. Did you not feel yourself hurt at this declaration, I certainly was hurt at it?

Mr. Burr asked me if I would not write to Gen. Wilkinson, as he was about to dispatch two couriers to him. I told him that I had no subject to write on; and declined writing. Mr. Burr observed, that several officers would be pleased at being under my command. He spoke highly of a friend, Jones, and asked me, whether he had not sailed with me. I answered him that he had not; and that I could give no account of him, as I never had seen him.—Mr. Burr observed that the expedition could not fail; that the Mexicans were ripe

for revolt; and that he was incapable of anything chimerical or that could lead his friends into a dilemma. He showed me the draft of a perique, such as plies between Powles Hook and New-York; and asked me, whether they were adapted to the Mississippi river and the waters emptying into it. I gave my opinion that they were. He asked me whether I could get a naval constructor to make several copies of the draft. I spoke to a naval constructor; but he could not make them as soon as they were wanted, and I returned the draft. Mr. Burr told me, he wanted those boats for the conveyance of agricultural products to New-Orleans, and in the event of a war, for transports. I knew they were not calculated for transports by sea, nor were they calculated for carrying guns; but having determined not to have any thing to do with the Mexican project, I said very little about the boats. But in the latter end of the month of July, I told him there would be no war with Spain. He seemed very sanguine, that there would. He said, however, if disappointed in that, that he intended to make a settlement of the Washita lands and was about concluding the bargain; that in one year he would have 1000 families about him who would constitute a charming society; that in two years there would be double the number; and that being on the frontier, they would be ready to march immediately, whenever a war took place. I have endeavored to narrate the substance of these several conversations as nearly verbatim as I can recollect. I may not have done it exactly; but as nearly as possible I believe it is correct.

Questioned by the Prosecution. Mr. Hay. Did these conversations take place after the declaration that you were no longer in the service of the U. States? A. The whole of them.—(Col. Carrington, one of the jury. Did they take place in July? A. Yes. I observed to him, there would be no war, though I thought there was great cause for it.)—Mr. Hay. Had you expressed your disaffection at your being declared out of service? A. Yes; frequently.—Q. I believe that you made some publication on the subject? A. I did. Q. In 1865 were you in the service of the United States? A. The misunderstanding between the secretary of the navy and myself took place in March 1862. Q. Your first conversations were about building bridges, settling lands, &c.? A. Yes; when Col. B. first returned from the westward. Mr. Burr. He did not express to you his designs respecting the Washita land, till he had discovered your aversion to the Mexican project? A. He did not. Early in the conversations between us I had declined all agency in the Mexican project. The conversation about the Washita lands was the last; but he had previously spoken about speculations, in Western lands generally. Mr. Wirt. Did he say at the latter end of July that he was about concluding a bargain for the Washita land? A. I think so. Mr. Hay. When he proposed to make you an admiral, did not the thought strike you; how he was to accomplish this?—Mr. B. denied that Commodore T. had said that Mr. B. had promised to make him an admiral.—Commodore Truxton. Mr. Burr told me he wished to make or to see me one, I do not particularly recollect which was his expression. He said there was a formidable navy to be established.—Mr. Hay. From what quarter of the world was the expedition by sea to go? A. I do not know. I did not ask him, where it was to go from. Mr. H. Did you not understand that you were to command the expedition by sea? A. Yes; but I declined and asked no questions particularly on the subject. Mr. Baker. I understand you to say, that the navy was to have been created after the government was to be established? A. Yes. After speaking of establishing himself in Mexico and creating an independent government, he said he intended himself to provide a formidable navy, at the head of which, I understood, he wished me to be. Mr. Burr. Did he not talk of a naval expedition against the Havana? A. I told Burr that the Havana could not be taken without a naval force. He said, that could be obtained.

Cross Questioned. Mr. Burr. Did I not say, I had never seen Lt. Jones? A. I do not recollect that. You spoke highly of him. Q. Do you not recollect I stated, if there was a war, that private enterprise and private expeditions would be lawful? (Mr. Hay objected to the question because seemingly intended for the jury.) Q. Did I say that the officers of the army and navy would probably join? A. I think you said they would join. Q. Did I not often talk several years ago about naval concerns? Had we not frequently talked together about your dismission from the navy? And did I not say that it never was the intention to reinstate you? that you were duped by Smith and others? That they had no serious intentions of serving you? Was not that the reason, that I wished to unweave you from the navy? A. You did state those facts. Q. Do you not find that I was right? A. I know that. Q. Did I not often talk to you about the settlement of lands? A. You did. Q. Were we not intimate? A. Yes. Q. Was there any reserve between us? A. None. Did you ever hear me say any thing about dismembering the union; or seising on New-Orleans? A. Never. Q. Did I not tell you it was my intention to grant commercial privileges to the U. S. in case of a successful expedition to Mexico, and that I wished always to have a friendly connexion with that country? A. You did. Q. Did I not say that the perique would be useful for the conveyance of agricultural products? A. Yes; and in war for transports. Q. Had

you reason to doubt my intention to settle lands? A. If there was no war, I took for granted that such was your intention. Q. If there was a war, and Mexico was invaded, and the government favored it, would you not have joined me? A. I would have got out of my bed at twelve at night, to fight against England, France and Spain, if my country had called. Mr. Wirt. Was his declaration concerning a friendly connexion with this country, founded on the idea of his establishing an independent empire in Mexico? A. I so understood it. Mr. Burr. Did he speak of any commercial speculations, in which he was about to engage; of any commercial establishments he was about to form? A. He spoke of the settlement of the Onachita; and the bringing down of agricultural produce. Q. Were the remarks which he made on your relation to the navy, calculated to fill your bosom with resentment? A. My bosom was already full enough, but certainly Mr. Burr spoke in concert with my feelings. Mr. Hay. Could an expedition at sea be made as effectually against La Vera Cruz from any other port in the western country, as New Orleans? A. New Orleans would be a proper place for preparing an armament; but no vessel of burden could sail from that place. The expedition might be carried on more conveniently from some port of the Atlantic States; but in the Western Country there is no port better than New Orleans. Mr. Parker, (one of the jury.) Did you understand for what purpose the two couriers were sent by Col. B. to Gen. Wilkinson? A. I understood, that there was an understanding between them about the Mexican project. Mr. Burr. Are there no preparations now making in Philadelphia, in contemplation of a war with England? A. In New York there are. Mr. Burr. Are not the preparations going on openly? Has any commander been appointed independent of the government? A. No. Mr. Burr. Can ships be built secretly in a corner of a room? A. No.

Examination of PETER TAYLOR.

Mr. Hay. This witness will directly prove the connection of Mr. Burr with Blannerhasset, and his connection with the crime itself.

Peter Taylor.—The first information I had upon this subject was from Mrs. Blannerhasset, when Mr. Blannerhasset and Mr. Alston were gone down the river. The people got much alarmed concerning this business, and Mrs. Blannerhasset sent me to Lexington after Mr. Bl. with a letter to prevent Col. B. from coming back with him to the island. I went to Chillicothe, but I did not find Mr. Bl. there, and I then went on to Cincinnati. I was directed to call at Cincinnati at Mr. John Smith's, where I would find Mr. Bl. I called at Mr. Smith's Store; where I saw his son. I asked if Mr. Smith was at home. He said, yes. I said I wanted to see him. His son went and told him, a man wanted to see him. When Mr. S. came out, I enquired for Col. Burr and Blannerhasset, to see whether he could give any account of them. He allowed he knew nothing of either of them. He allowed I was much mistaken in the place. I said, no; this was the right place; "Mr. John Smith, Store keeper, Cincinnati," says I, "Don't you recollect a young man who came here, some time ago for Col. B's top-coat?" (great coat?) I said, "Sir, I have lived with Mr. Bl. for three years." When Mr. Smith heard me talk so, he took me up stairs to talk with me. He wanted to know the news our way. I told him the people had got alarmed about what was in agitation; that I knew not what it was, but they talked about the settlement of lands. He seemed surprised. He asked what was said about Gen. Wilkinson. I said I knew nothing about it. He asked me, if I would carry a letter from him to Blannerhasset. I told him I would carry any thing, so it was not too burdensome. So he sat down and wrote a letter. He asked whether I wished to drink, for he had chastised (charged) me not to go to any tavern, lest the people should be sifting me with their questions. I drank; and then he showed me a tavern, and told me to go, to get my horse fed by the hostler, but not to go into the house. I asked him where I should find Col. Burr and Blannerhasset. He said, he expected they were at Lexington, at the house of a Mr. Jourdan. He gave me the letter which I carried. When I got to Lexington, it was Saturday about 1 o'clock. Mr. Jourdan happened to be in the Street and knew me. He said, "Peter, your old master is not in town." But he said, he expected him either that night or to-morrow early. He asked me, what news, and I told him. I asked him, what I was to do with my horse. He said, that he was to be put at the Livery Stable. He then went up stairs, and opened a door, and beckoned his hand, saying nothing. When I went in, there was Col. Burr. Col. Burr wanted to know, what was the news in our parts. I began to tell him, that my business was to prevent Col. Burr from going back to the island. Q. Did you not know Col. Burr at that time? A. I did not. He had been on the island three times; but I did not see him. When I told Col. Burr that, says he, "I am the very man, involved in this piece of business; and you must tell me all you know." I said, "if you come up our way, the people will shoot you." I told him it was my sincere opinion, that it was not safe for him to come up our way. I told him that I had heard several declare, that they had rather shoot him than let him alone. He seemed surprised, and wondered what the people had got in their heads. I told him I could not tell; and then I told him about the land settlement, but the people said all that was a fib, and that he had something else in his head.

Then Col. B. asked me, what letters I had. I said, two, one was from Mrs. Blannerhasset, and the other from John Smith, of Cincinnati. He asked me, if he might open the letter from John Smith, for he expected it was for him. I told him I supposed it made no difference between him and Blannerhasset, and he might. He broke the seal open, and showed me that there was a letter inclosed for himself. He asked me about my wife, and after some talking, I asked him whether I was at liberty to go down stairs. I went down and left the opened letter with him. I then went to Mr. Jourdan, and asked him whether I was to stay at his house or go to a tavern. He said I was to go to a tavern and he would pay for me. Mr. Jourdan wished me to go next day to Millersburg after the saddle-bags, left there by Mr. Blannerhasset. I went and left Mrs. Blannerhasset's letter with Mr. Jourdan, expecting Blannerhasset to get there before me. I got back on Monday by 1 o'clock; and there Mr. Blannerhasset was come and preparing to go home. We started and got ten miles that night. We stopped at a tavern. I went to see after the horses, and he went into the house. There were people in the house, who wanted to know his name. He told them, his name was Tom Jones. He came out and told me, the people in the house had asked and he had told them his name was Tom Jones, and I must mind and make no mistake, but call him Jones too. So he passed by that name, till we got to the mudlick's.—He then told me he was known there, and I must call him by his own name. Q. When did these things happen? A. All this was in October, 1865, I believe. He then began at every tavern that he came to, to enquire for young men, that had Rifles; good orderly men, that would be comfortable to order and discipline. He allowed that Col. Burr and he and a few of his friends had bought 800,000 acres of land, and they wanted young men to settle it. He said, he would give any young man who would go down the river, 100 acres of land, plenty of grub and victuals while going down the river and three months' provisions after they had got to the end; every young man was to carry his rifle and blanket. I agreed to go myself, if I could carry my wife and family, but he said he must have further consultation upon that. As we rode together, I began to think, and asked him, what kind of seed we should carry with us? He said, we did not want any, we should find every thing where we were going. (Mr. Wirt. Of what occupation were you on the island? A. A gardener. Mr. Wirt. I put this question, that the jury might understand his last observation.)—I urged that subject to him several times; at last he made a sudden pause, and said, "Peter, we are going to take Mexico; one of the finest and richest places in the whole world." He said that Col. Burr would be the King of Mexico, and Mrs. Alston was to be the Queen of Mexico, whenever Col. Burr died. He said that Col. Burr had made fortunes for a great many of his family if he had made nothing for himself; but now he was going to make something for himself.—He said that he had a great many friends in the Spanish Territory; 2000 Roman Catholic Priests were enlisted in his corps; that those Priests and the Societies which belonged to them were a strong party; that the Spaniards, like the French, had got tired of their government and wanted to swap it. He told me that the English also were friends in this piece of business, and that he was the very man to go to England, on this piece of business for Col. Burr; that he had been a friend of Col. Burr in this business, and had befriended him more than any body else. He asked me if I would not like to go; I said I should certainly like to see my friends there. I then asked him what was to become of the men, who were going to settle the lands he talked about? Were they to stop at the Red river, or to go on? He said, "you'll see how I'll fix them, when I get them far enough down the river." If they did not conform to order and discipline, he swore by God he'd stab them. I was astonished: I told him I was no soldier, and could not fight. He said, it made no odds; he did not want me to fight; he wanted me to go and live with Mrs. Blannerhasset and the Children, either at Natiches or some other place, while he went on the expedition. I talked to him again, and told him, the people had got it into their heads, that he wanted to divide the union. He said, Col. Burr and he could not do it themselves. All they could do was to tell the people the consequence of it. He said the people there paid the government upwards of 400,000 dollars a year, and never received any benefit from it. He allowed it would be a very fine thing, if they could keep that money among themselves, and make locks and build bridges and cut roads.—About two weeks after I got home, he sent me to Dr. Bennett's, of Mason county with a letter. He wanted to know, if Dr. Bennett wouldn't sell him the arms belonging to the Militia, if he could sell them and keep himself out of danger; if he could, he'd give him a draft upon his friend in Kentucky for payment; if he could not, he must send him word, where they were kept, and he would come and take them away in the night. I was not to give the letter to Dr. Bennett, until the Doctor promised to deliver it back, for me to burn it; for Mr. Blannerhasset told me to do so, and said it contained high treason. I did as he had told me and burnt it. The Doctor said he was unacquainted with the plot, & could not join in it.

Questioned by the Prosecution.

Mr. Hay. When did the boats leave the island? A. It was contemplated to sail on the 6th of December; but they did not come

till 10th (Sunday) & they sailed on the Wednesday night following. Q. How many boats were there? A. Four. Q. How many men from the boats came ashore? A. About 50. Q. What did the men do, who did not belong to the boats? A. Some were packing meat; and some were packing other things. Mr. Burr. Who went off on Wednesday night? A. Mr. Blannerhasset and Mr. Tyler and the whole of the party. Q. At what time in the night? A. About 1 o'clock. Q. Did all that came down to the island go away? A. All but one, who was sick. Mr. Hay. Had they any guns? A. Some of them had: Some of the people went a-shooting. But I do not know how many there were. Mr. J. B. Sheppard (a juryman.) What kind of guns, rifles or muskets? A. I do not know. Q. Were there any pistols? A. I saw none, but Blannerhasset's. Q. Was there any powder or lead? A. Both: I saw some powder in a long small barrel, like a churn; but I was so employed, I could not notice particularly. Some of the men were engaged in running bullets; but I do not know how many. Mr. Burr. Why did they leave the island at that hour of the night? A. Because they were informed that the Kanawha militia were coming down there.—Q. Did you carry some boxes to the boats? A. I carried a half bushel of candles and some brandy: several boxes were carried, and a great many things of which I knew nothing. Mr. Hay. Were you on the island when they went off? A. Yes. They held a council at the foot of the pier, to determine which was the best way to go. Mr. Blannerhasset said, if he went in a canoe he would be an easy prey. I said to them,—"best stick together." And so they determined to stick together. They went off in great haste. Q. Why did they go in a body? A. I suppose for security.

Cross Questioned.

Mr. Wickham. You saw Gen. Tupper and Mr. Woodbridge that night? A. Yes. Q. Was Col. Burr there? A. No: I did not see him. Q. Did you understand whether he was in that part of the country at that time? A. I understood not.

WEDNESDAY, August 19.

Examination of Gen. JOHN MORGAN.

Sometime in August last, about this time twelve months, my father put a letter into my hands, signed Aaron Burr, in which he said that himself and his friend Col. Dupier would dine with him the following day. My father requested me and my brother to go and meet Col. Burr; which we did, about 7 miles distant. After a few words of general conversation, Col. Burr observed to me, that the union could not possibly last, and that a separation of the states must ensue in 4 or 5 years, as a natural consequence. Col. Burr made many enquiries of me, relative to the county of Washington; particularly the state of its militia; the discipline, arms, accoutrements, and the character of its officers. These conversations continued some time, besides other things which I cannot recollect, because I did not expect to be called upon in this way: after traveling some miles, we met one of my workmen, a likely young fellow. Col. Burr said he wished he had 10,000 such fellows. At my father's table, during dinner, Col. Burr again observed that the separation of the union must take place inevitably, in less than 5 years.—(Shall I give the answers that were made? Mr. Wirt. Perhaps it may serve to connect your narrative better.) I recollect that it was my father who answered him; God forbid! Col. Burr in the course of conversation observed, that with 2 or 300 men, he could drive the president and congress into the Potomac, and with 4 or 500 he could take possession of the city of New-York. After dinner, he walked with me to my brother's mill; and in course of the walk spoke of war and military men, and asked me if either of my brothers had a military turn. On our return, after I had introduced him to my brother, Col. Burr said he wished he could see him at the head of a company of grenadiers; he was a fine, stout looking fellow. These circumstances induced me to speak to my father: I warned him to beware of Col. Burr, told him that in the course of that night, Col. Burr would attempt to have an interview with him; and would make a requisition of my brother Tom, to go with him & that I suspected something was going on. The next morning I rode with Col. Burr to the town of Washington, about 9 or 10 miles. We had much conversation, principally on military affairs; and on the state of the militia.—Col. Burr urged the necessity of attending to military discipline. He told me, that in New York, the exertions of a single person (Mr. Swarwout) had brought about a great effect. He asked me if I thought I could raise a regiment in Washington county, or whether I could raise one with more ease in New Jersey. (Mr. Wirt. You have lived in N. Jersey? A. Yes.) At Washington, we took a walk; Col. Burr, Col. Dupier and myself; down the town; and I pointed out to him the house where Mr. Bradford lived, who had been at the head of the western insurrection. He enquired about Mr. Bradford. (He was at Baton Rouge as I believed.) I told him his son was in town, and Col. Burr expressed a wish to see him. Col. Burr mentioned to me, that he had met with several, who had been engaged in the western insurrection; and particularly a major in the north western territory (whose name I do not recollect) who had told him, that if he was ever engaged in a similar business, he pledged himself it should not end without bloodshed.—He said that he was a fine fellow. It was on these circumstances, that I advised my father to apprise the president of the United States, that something was going forward.—[Continued on 4th page.]